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REMARKS

Claims 1-19 and 21-32 are pending.

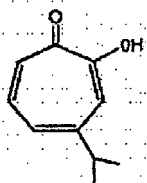
Claims 1-19, 21-27, 31 and 32 have been rejected under 35 USC §103.

Claims 1, 3-19, 21-27 and 31-33 have been rejected under 35 USC §112.

Claim 14 has been amended depend from claim 7. Claim 17 has been amended to add a space between "7" and "wherein". Claim 7 has been amended to correct the spelling of "eucalyptol". Additionally, Claims 1 and 33 have been amended to delete the phrase "at least one compound".

Before considering the Examiner's rejection under 35 USC § 103 in detail, Applicants wish to briefly summarize the key aspects of the present invention.

The present invention, as amended, relates to oral care compositions suitable for preventing or treating diseases or conditions of the oral cavity in warm-blooded animals including humans, comprising an oral care effective amount of an effective amount of a compound of Formula (I)



and at least one essential oil, and a pharmaceutically acceptable oral carrier.

Claim Objections

The Examiner objects to Claim 17, indicating that there should be a space in between "7" and "wherein" in the first line. Applicants have amended Claim 17 to add space in between "7" and "wherein" in the first line. This should obviate the Examiner's objection.

Rejection under 35 USC §112

The Examiner has rejected Claims 1, 3-19, 21-27 and 31-33 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the the subject matter which applicant regards as the invention. Specifically, the Examiner notes that:

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- 1.) Claim 14 recites the limitation "The oral composition of claim" in the first line but does not recite which claims it is referring to. There is insufficient antecedent basis for this limitation in the claim.
- 2.) Claims 1, 3-19, 21-27 and 31-33 recite the phrase "at least one compound of Formula (I)" and then shows one compound. This is indefinite because "at least one compound" indicates there is more than one compound to choose from but one compound is the only choice. This makes the claims indefinite.

Applicants have amended Claim 14 to depend from Claim 7. Additionally, Applicants have amended Claims 1 and 33 to delete the phrase "at least one compound". This should obviate the Examiner's rejection.

Claims 1, 6-7, 17, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,693,888 to Miyahara, et al. (Miyahara).

Applicants respectfully traverse this rejection.

Miyahara relates to caries-preventive composition comprises an antibody obtained by immunizing a mammal with at least one antigen selected from the group consisting of *Streptococcus mutans*, its cell-wall fraction, fibrous substance fraction, glucosyltransferase fraction and protein antigen fraction, and a synergist selected from the group consisting of fluorine compounds, chlorhexidine and its salts, lytic enzymes, bacteriocins, glucosyltransferase inhibitors, proteases and dextranases. To this mixture, Miyahara further teaches optionally incorporating, inter alia, hinokitiol.

In contrast, the compositions of the present invention specifically require combining hinokitiol with an oral care effective amount of at least one essential oil in an oral carrier comprising about 20% to about 30% by weight of ethanol.

Nowhere does Miyahara teach the oral care benefits of hinokitiol apart from its claimed antigen-synergist combination, much less improving any benefits of hinokitiol by incorporating it with the specific elements of the present invention.

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Therefore, since Miyahara nowhere teaches or suggests the oral care benefits of hinokitiol in and of itself, the compositions of the present invention would not have been obvious over this reference.

Claims 1, 3-19, 21-27 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,164,524 to Fand, et al (Fand) or US Patent No. 4,945,087 to Talwar, et al (Talwar) in view of US Patent No. 5,939,050 to Iyer et al. (Iyer).

Applicants respectfully traverse this rejection.

Lyer relates to Antimicrobial compositions comprising at least two antimicrobial agents exhibit reduced MIC values relative to the MIC for the agents making up the combination when measured alone. Lyer further teaches that the antimicrobial agents are selected from berberine, cedarwood oil, chloramphenicol, citral, citronella oil, cocamidopropyl dimethylglycine, Glycyrrhiza glabra extract, hinokitiol, juicy fruit basil oil, juniper berries oil, lemon basil oil, lemon oil, and Rosmarinus officinalis oil.

In contrast, the compositions of the present invention specifically require combining hinokitiol with an oral care effective amount of at least one essential oil in an oral carrier comprising about 20% to about 30% by weight of ethanol.

Nowhere does Lyer teach the oral care benefits of hinokitiol apart from the cited antimicrobial agents, much less improving any benefits of hinokitiol by incorporating it with the specifically claimed elements of the present invention.

Therefore, since Lyer nowhere teaches or suggests the oral care benefits of hinokitiol in and of itself, the compositions of the present invention would not have been obvious over this reference.

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Nor is Lyer's inadequacy cured by combining it with either Fand or Talwar. Neither Fand nor Talwar mentions hinokitiol, much less teaches its usefulness in oral care. Therefore, since neither Lyer, Fand, nor Talwar teaches or suggests the oral care benefits of hinokitiol in and of itself, the compositions of the present invention would not have been obvious over these references in combination.

Conclusion

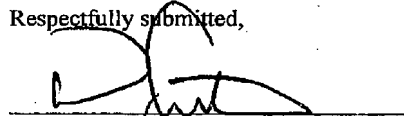
Therefore, in light of the amendments and remarks made herein, it is respectfully submitted that the rejection under 35 USC § 103 has been overcome. Applicants respectfully submit that they have distinguished the cited art sufficiently to avoid the Examiner's rejection. Accordingly, reconsideration and allowance of Claims 1-19 and 21-32 are earnestly solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the number listed below.

Date

July 25, 2007

Respectfully submitted,


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